

## **EXHIBIT F**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN)  ECF Case
This document relates to:  <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD) (SN)  ECF Case

**DECLARATION OF JOSE NIVAR**

I, Jose Nivar, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than 18 years of age and competent to testify in court to the matters stated below. The statements made in this Declaration are based upon my personal knowledge unless otherwise indicated.

2. On September 11, 2001, I was in New York City when the terrorist attacks of the World Trade Center (WTC) Towers occurred.

3. At the time of these attacks, I was a citizen of the Dominican Republic. I later became a United States citizen in 2003. Attached as Exhibit A to this Declaration is a true and correct copy of my current proof of U.S. citizenship.

4. I had been employed with the New York Marriott World Trade Center Hotel as a valet attendant for approximately three years prior to the events of September 11th. Attached as Exhibit B to this Declaration is a true and correct copy of my proof of employment with Marriott International, Inc., at the time of these terrorist attacks.

5. I arrived at the Marriott World Trade Center Hotel for my regular shift on the morning of September 11th.

6. When the first passenger jet, American Airlines Flight 11, crashed into the upper section of the North Tower, I had been assisting hotel guests in the valet area of the hotel. I heard an explosion and I felt the building shake. I immediately began assisting hotel guests to escape from the entrance area of the hotel.

7. As I assisted several hotel guests with leaving the entrance area of the hotel, the second passenger jet plunged into the upper section of the South Tower. Although several people around me began to panic and scream, I continued to assist several hotel guests as they left the hotel to escape from the area.

8. The South Tower then collapsed, and everyone in the area of the Marriott World Trade Center Hotel began to run from the area. As I ran from the area, I saw carnage and dead people around me. The scene was horrific. As I ran on foot to escape, a crowd of people knocked me to the pavement and trampled over me as they rushed to escape from the debris cloud and the devastation, and I received injuries to my lower back and my right knee. Due to the large amounts of dust and debris caused by the collapse of the South Tower, I also inhaled large quantities of these substances into my lungs and airways.

9. Despite my injuries, I was determined to escape from the carnage around me. I managed to get back on my feet and I stumbled away from the World Trade Center area on foot. Due to the chaos in the area, I had to walk on foot all the way to my home in the Queens section of New York City.

10. Attached as Exhibit C to this Declaration is a true and correct copy of my select relevant medical records<sup>1</sup> related to the treatment that I received following the September 11, 2001 terrorist attacks.

11. As a result of these terrorist attacks, I suffered the following specific physical injuries on September 11, 2001: a lower back injury with herniated discs<sup>2</sup>, internal derangement of my right knee<sup>3</sup>, as well as esophageal reflux disease (GERD)<sup>4</sup>.

12. Some of my physical injuries from 9/11 have also been confirmed by the September 11th Victim Compensation Fund (VCF)<sup>5</sup>.

13. Due to my experience on 9/11 and my memories of that fateful day, I also have received continuous treatment for depression and post-traumatic stress disorder<sup>6</sup> (PTSD).

14. I previously pursued a claim (Claim Number VCF 0048338) through the September 11th Victim Compensation Fund specifically related to my physical injuries incurred as a result of the September 11, 2001 terrorist attacks, and my claim was determined to be eligible.



<sup>1</sup> See 9/11 Injury Records of Jose Nivar (NIVAR\_MEDS\_0001), attached hereto as Exhibit C, at 0001-0012.

<sup>2</sup> *Id.* at 0003-0008, and 0010-0012.

<sup>3</sup> *Id.* at 0003, 0005-0007, and 0009-0012..

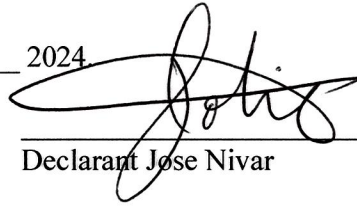
<sup>4</sup> *Id.* at 0001, 0003, and 0005.

<sup>5</sup> *Id.* at 0001-0002.

<sup>6</sup> *Id.* at 0007.

I DECLARE, VERIFY AND STATE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

DATED this 30 day of APRil 2024.

A handwritten signature in black ink, appearing to read "Jose Nivar", is written over a horizontal line.

Declarant Jose Nivar

**EXHIBITS  
FILED  
UNDER SEAL  
(ECF No.  
5716)**